City of Fremont Initial Study

1. **Project**: Dr. Sandhu Residence (PLN2011-00028)

2. **Lead agency name and address:**

   City of Fremont Community Development Dept.
   39550 Liberty Street, 1st Floor
   Fremont, CA 94538

3. **Contact person and phone number (including e-mail address/fax no. as appropriate):**

   Stephen Kowalski, Associate Planner, Planning Division
   Phone: (510) 494-4532
   E-mail: skowalski@fremont.gov

4. **Project location:** Easterly terminus of East King Ave., Fremont, CA 94536. (APNs: 507-0124-027-02 and 507-0124-028-00)

5. **Project sponsor's name and address (including e-mail address/fax no. as appropriate):**

   Dr. Goney Sandhu
   734 Mowry Ave., Suite E.
   Fremont, CA 94536

6. **General Plan designation:** Hill Face Open Space

7. **Current Zoning:** Open Space, O-S

8. **Description of project:**

   The proposed project consists of an application for a Conditional Use Permit and Preliminary Grading Plan to allow the construction of a new 9,976 square foot single-family dwelling (including the garage) and associated site improvements on a vacant ±80-acre lot within the Hill Area of the City of Fremont at the easterly terminus of East King Avenue. The proposed homesite is located roughly in the middle of the property at an approximate elevation of 365 feet above sea level, as shown on Sheets 3A and 4A of Reference A, attached. The selected homesite has been referred to in past development applications for the property as the "saddle" due to its location in a slight topographical depression between two knolls rising to 381 feet and 422 feet above sea level, respectively.

   As part of the project, the applicant will be required to extend the East King Avenue public right-of-way approximately 300 feet to the northeast and construct a new cul-de-sac bulb at its terminus. The proposed homesite will be accessed via an existing dirt road which will be converted to a 20-foot wide paved access road which will connect to the new cul-de-sac bulb. The access road will traverse the hillside below the homesite and eventually switch back at approximately 370 feet above sea level in order to reach the "saddle" where the house is proposed to be constructed. Additionally, seven (7) 5,000-gallon water tanks each measuring 6 feet in height with a 12-foot diameter are proposed to be erected above the homesite at the 410-foot elevation to supplement water pressure on the property and provide for fire suppression. The total estimated grading quantities needed to accommodate the proposed homesite and its grounds, the driveway, and the water tanks are 1,993 cubic yards of cut and 1,390 cubic yards of fill, or 3,383 total cubic yards. No export of surplus soils is proposed, as the surplus soil from the cut quantity will be dispersed across the hillside below the homesite.

   Based on the proposed plans for the project, the construction of the residence and its landscaped yards, terraces, and swimming pool will result in 22,957 square feet (or 0.53 acres) of impervious surface area, while construction of the proposed access road and driveway will result in approximately 37,307 square feet (or 0.86 acres) of impervious surface area. The total amount of proposed impervious surface area covers approximately 1.38 acres of land, or 1.7% of the entire 80-acre parcel. The project is subject to the policies and provisions of the City of Fremont Hill Area Initiative of 2002 (also known as Measure T) and

the Hillside Initiative of 1981 (also known as Measure A), as well as the other applicable zoning and General Plan policies and regulations governing new hillside development.

The proposed access road leading to the homesite from the terminus of East King Avenue will consist of a 16-foot wide paved surface with a 4-foot wide gravel shoulder along the downhill side of the roadbed. The paved portion will be designed to withstand fire engine loads in all weather conditions for emergency vehicle access. The 4-foot gravel shoulder would enable drivers to pull part way off the paved portion in order to allow two vehicles to pass one another safely.

The proposed floor plan features 5 bedrooms, 5 bathrooms, a 4-car garage, and various common living spaces on the ground floor, with a small observatory and balcony on the second floor. The architectural style of the home is contemporary with Mission Revival features such as stucco siding, earth-tone clay tile roofing, arched entries and windows, and decorative wood corbels. The maximum building height at the highest point over the second-story observatory is approximately 25½ feet above the finished grade. The grounds around the house will contain several terraces, lawns, walkways and a swimming pool, with nine guest parking spaces and two areas designated as fire engine turnarounds. A 30-foot wide irrigated fire break (also known as a "wetband") will be provided around the entire perimeter of the homesite and grounds which will be planted with California Fescue, a drought tolerant grass native to the Bay Area.

9. Surrounding land uses and setting:

The project site is a vacant ±80-acre parcel located at the easterly terminus of East King Avenue. Much of the land immediately surrounding the site is currently open space, with the exception of a covered reservoir owned and maintained by the Alameda County Water District approximately 525 linear feet west of the proposed homesite. The proposed homesite (or saddle) is approximately 1,300 feet away and 240 feet above the nearest single-family dwelling abutting the property on Noel Place. The single-family dwellings located at the base of East King Avenue (including the afore-mentioned home on Noel Place) comprise a tract that was developed in 2004 known as Mission Garden (Tract No. 7083). All other adjacent parcels are either undeveloped open space, or large lots containing one single-family dwelling each.

The adjacent parcels directly north and northwest of the project site lie within Union City limits and are designated either Open Space or Residential 3-6 Dwelling Units per Acre in Union City's General Plan. The surrounding open space lands to the east and south are located within the City of Fremont and are zoned Open Space and designated Hill Face Open Space in the city's General Plan. The Mission Garden neighborhood below the site is zoned Single-Family Residence R-1-6(H-I) and designated Low Density Residential 5-7 Units per Acre in the General Plan.

The site currently consists primarily of native grasses, with a small number of tree groves growing in some ravines across the property. These ravines function as natural drainage corridors and contain riparian habitat of varying quality, particularly along the southern property line and to the north of and parallel to the proposed driveway. There are PG&E transmission lines traversing the property, with two sets of twin lattice towers located approximately 50 feet above and 390 linear feet away from the proposed homesite, as well as numerous hill roads, or roads maintained by private property owners (typically ranchers or farmers) which emergency vehicles can use to fight wildfires, but which do not meet the Fire Department's standards for emergency vehicle access roads.

10. Congestion Management Program - Land Use Analysis: The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

☐	YES	☒	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
☐	YES	☒	NO	A Notice of Preparation is being prepared for this project.
☐	YES	☒	NO	An Environmental Impact Report is being prepared.

11. Other public agencies required approval of involvement: Alameda County Water District, Union Sanitary District, Alameda County Flood Control and Water Conservation District, County of Alameda Local Agency Formation Commission (LAFCO)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled “PS” while those factors that are indicated as a “Potentially Significant Unless Mitigation Incorporated” are labeled “M”.

	Aesthetics		Agriculture and Forrest Resources	**M**	Air Quality
M	Biological Resources		Cultural Resources	**M**	Geology / Soils
	Hazards & Hazardous Materials		Hydrology / Water Quality		Land Use / Planning
	Greenhouse Gas Emissions		Mineral Resources		Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Utilities / Service Systems		Mandatory Findings of Significance

PREVIOUS ENVIRONMENTAL ANALYSIS: A Draft Mitigated Negative Declaration was prepared for a prior application for a Conditional Use Permit to construct a 16,214 sq. ft. single-family dwelling on the subject property that was denied by the Fremont City Council on July 26, 2005 (Application No. PLN2005-00058). As this project was not approved, the Draft Mitigated Negative Declaration was never adopted and, as such, is not applicable to the proposed project and was not relied upon as previous environmental analysis.

DETERMINATION BY THE CITY OF FREMONT:

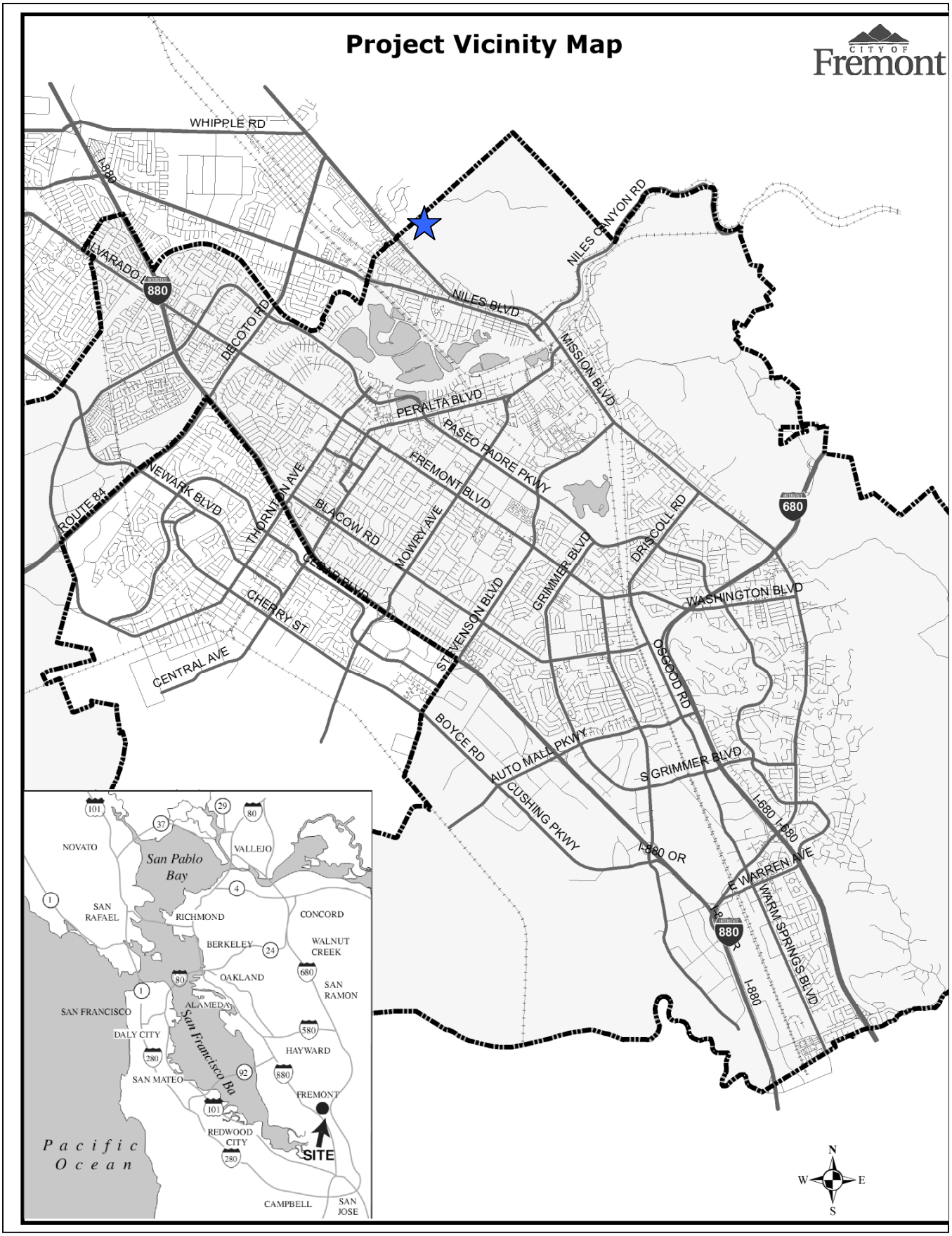
On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: _____

Printed Name: Stephen Kowalski For: City of Fremont

Senior Planner Review: _____


Project Vicinity Map
CITY OF Fremont
WHIPPLE RD
I-880
ALVARADO
880
DECOTO RD
NILES CANYON RD
NILES BLVD
MISSION BLVD
PERALTA BLVD
PASEO PADRE PKWY
FREMONT BLVD
NEWARK BLVD
ROUTE 84
THORNTON AVE
BLACOW RD
MOWRY AVE
CEDAR BLVD
CHERRY ST
CENTRAL AVE
STEVENSON BLVD
GRIMMER BLVD
DRISCOLL RD
680
WASHINGTON BLVD
OSCOOD RD
BOYCE RD
AUTO MALL PKWY
CUSHING PKWY
S GRIMMER BLVD
I-680
I-880 OR
E WARREN AVE
WARM SPRINGS BLVD
I-880
880
NOVATO
San Pablo Bay
VALLEJO
SAN RAFAEL
RICHMOND
CONCORD
BERKELEY
WALNUT CREEK
OAKLAND
SAN RAMON
ALAMEDA
SAN FRANCISCO
San Francisco Ba
DALY CITY
HAYWARD
SAN MATEO
FREMONT
SITE
REDWOOD CITY
Pacific Ocean
CAMPBELL
SAN JOSE
N
W
E
S

SOURCE: Esri ArcData Online; ESA, 2011

Sandhu Residence Biological Survey. 204320.03
Figure 2
Sandhu residence project site

0 360 720
Feet

I. AESTHETICS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect on a scenic vista?			X		1,2, 3 8, A
b	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		8, A, B
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		A, B, J
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 3, A

Comment: The General Plan identifies a number of scenic resources throughout the City. In this case, the scenic resource that will be affected by the project is the hill face of the Mission Hills running along the eastern edge of the City. The subject parcel is located within the Hill Area as defined by a 2002 Fremont voter-approved initiative known locally as Measure T. Specifically, the proposed homesite is located above the toe of the hill as defined by Measure T, and is subject to various restrictions governing new development in that part of the hills. The restrictions were designed to protect the natural environment of the hills and minimize the visibility of new development within them to the maximum extent practicable. The General Plan and Measure T contain specific policies and regulations designed to protect the scenic resources themselves, as well the views of the resources from various public locations throughout the City. Relevant public locations for this particular site include the Quarry Lakes Regional Recreation Area, the Alameda Creek Regional Trail, and Mission Boulevard (State Highway Route 238, a 4-lane road). The site where the house will be constructed is currently vacant; there are no structures, groves or unique geological features present where the house and driveway are proposed to be built. The only visible man-made features in the area are two pairs of PG&E lattice towers with overhead transmission lines, and a reservoir structure on an adjacent parcel owned by the Alameda County Water District.

The applicant erected story poles with bright orange netting on June 16, 2011 to outline the height and mass of the proposed structure in the exact location where it would be built on the property to enable the general public to see how visible the structure will be. Staff visited the above-mentioned public locations on June 17, 2011 to determine the degree of visibility of the story poles and was able to see them from two separate vantage points (see Project-Related Reference "J" for specific locations of the public vantage points surveyed by staff for the project). The story poles were visible from the Seven Hills neighborhood of Union City along portions of Appian Way east of Mission Boulevard, and from Seven Hills Park. Immediately below the site, along both Mission Boulevard and East King Avenue, the structure is completely hidden from view by the lower of the two hills forming the saddle where the house will be located. However, the structure is visible to traffic traveling southbound along Mission Boulevard from Union City towards Fremont for a distance of approximately ¼ to ½ mile. The view from Mission Boulevard maintains the majority of the hill-face views as the hills rise above the site, and includes the other encroaching hillside development in the Seven Hills neighborhood of Union City. The assessment of public vantage points in Fremont resulted in no visual impacts and the limited visibility of the project from the two afore-mentioned vantage points in the City of Union City does not pose a significant impact to scenic resources, and no mitigation is necessary.

The subject parcel where the proposed home is to be located is currently vacant; therefore, construction of the project will result in new sources of light typical of a hillside estate-style single-family dwelling. The City's Zoning Ordinance requires that all exterior light sources be designed so as not to create significant glare on adjacent properties through the use of concealed source and/or downcast light fixtures. Compliance with the exterior lighting requirements of the Zoning Ordinance will result in the project having no significant lighting or glare impacts on adjacent properties or the hill face.

II. AGRICULTURE AND FOREST RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	19
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)) or timberland (as defined in Public Resources Code § 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to nonforest use?				X	N/A

Comment: This section is not applicable as there is no forest land or prime farmland on the property, and no existing Williamson Act contract encumbering the property.

III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with or obstruct implementation of any applicable air quality plan?				X	21, 22
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	21, 22
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X	21, 22

d.	Expose sensitive receptors to substantial pollutant concentrations?				X	1, 2, 3
e.	Create objectionable odors affecting a substantial number of people?				X	N/A

Comment: The City of Fremont uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts from projects on criteria pollutants identified in the adopted Clean Air Plan. The Clean Air Plan focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of air pollutants for reporting purposes. The closest such monitoring station is #1014 at 40733 Chapel Way in Fremont. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include Reactive Organic Gases (ROG), Nitrous Oxides (NOx), and Particulate Matters (PM_{10} and $PM_{2.5}$). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs. per day for ozone precursors. General conformity to the Clean Air Plan considers qualitative analysis of consistency with planning assumptions of 2007 ABAG projections and the General Plan for growth estimates for the City and Bay Area. Construction thresholds considered incorporation of best management practices and the type and duration of activities.

The project is consistent with the underlying General Plan land use and zoning designations of Hill Face Open Space and Open Space, respectively, both of which are part of the conforming land use assumptions of the Clean Air Plan, and it will not conflict with or obstruct implementation of any existing air quality plans. Development of one new single-family dwelling is below the BAAQMD screening thresholds for potential ozone precursor emission-related impacts. For these reasons, the project will not significantly impact air quality through the generation of emissions-based pollutants and no mitigation is required.

Minor and temporary increases in air pollutants will occur during grading and construction activities, particularly the movement of heavy equipment across the hillside and to and from the site. Because of the short duration of these construction-related activities, impacts will be less than significant with implementation of the following mitigation measure:

Mitigation Measure #1:
Prior to the issuance of a permit, the following best management practices shall be included in a dust control plan and noted on construction plans with a designated contact person for on-site implementation of the dust control plan.

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
3. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
7. *Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours.*

IV. BIOLOGICAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			8, D, E, F, G
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X		8, D, E, F, G
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	8, D, E, F, G
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			8, D, E, F, G
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	8, 24, D, E, F, G
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X			3, 8, D, E, F, G

Comment:

Homesite Plants and Wildlife

Biological surveys, updates, and peer reviews have been completed for the subject property in 2004, 2010, and most recently 2011. Based on the proposed saddle location the most pertinent site analysis is summarized in the biological surveyed conducted by ESA Biological Resources on July 8, 2011. This survey built upon the previous analysis and discussion of biological resources and riparian areas situated around the site. The 2011 ESA survey concluded that there was no suitable habitat for special status plant or wildlife species within the project area of the saddle location. The conclusion was based on the CNDDB research done for the Niles quadrangle and eight quadrangles of the surrounding area, and an extensive on-foot site visit and inspection of the proposed development areas of the site, including the driveway, water tank location, and homesite.

Existing vegetation is mostly non-native grasslands disturbed by high levels of cattle grazing. Additionally there are a large number of ruderal species on the site. Near the home and water tank sites there are some intermixed perennial and annual grasses. The saddle location is 650 feet upslope from the riparian area to the south and on steep enough slopes to not be visible from the riparian area. The north riparian are is approximately 475 feet away and is visible. Wildlife observations in July 2011 included American kestrel, red-tailed hawks, turkey vultures, and wild turkeys. Of note, the red-tailed hawks

appeared to have a family unit of 3 to 4 hawks. Wildlife noted from other visits related to the riparian areas and other surroundings.

The analysis of records and the site visit concluded that no special status species habitat exists on site, nearby special status species included the California red-legged frog, California tiger salamander, and Alameda whipsnake with low potential for occurring on site. The nearby riparian areas could support raptors and bats and other migratory birds commonly observed in this area.

Although no special status species or habitat was found on site, preventative mitigate measures are recommended for the project. Due to the presence of suitable habitat for various reptilian and avian species proximate to the project area in the riparian corridors and drainage basins that traverse the site as well as in some rock outcroppings located above the site, the survey determined that the project could have potential impacts on the following wildlife: (1) California red-legged frog; (2) California tiger salamander; (3) Alameda whipsnake; and (4) raptors and other nesting birds. To avoid possible impacts to these biological resources or their habitat, the applicant shall be required to implement the following mitigation measures:

Mitigation Measure #2:
To avoid accidental takes during construction of California red-legged frogs, California tiger salamanders, and Alameda whipsnakes, the applicant shall implement the following measure:

a) Prior to the start of all construction activities, a worker education program shall be presented at the project site by a biologist familiar with California red-legged frogs, California tiger salamanders, and Alameda whipsnakes. The program will cover special status species that could potentially occur on the site. The environmental education program will include a description, representative photographs, and legal status of each federally-listed species with the potential to occur within the project area and the penalties for not complying with biological mitigation requirements. The program will cover the restrictions and guidelines that must be followed by all construction personnel to avoid or reduce effects on special status species during project construction. If new construction personnel are added to the project, the crew foreman will ensure that the personnel receive the mandatory training before starting work and keep records on the job site of when training occured. This may take the form of written instruction covering the same material presented in the initial education program. The instructing biologist shall certify to the City the training has been complete prior to initiating grounding disturbing activities. Restrictions and guidelines for construction include the following measures:

- *Construction personnel will adhere to designated work zones and will not go outside these boundaries.*
- *Project-related vehicles will observe a 15-mile-per-hour speed limit on roads in the project area. Off-road vehicle traffic outside of designated construction areas will be prohibited.*
- *The contractor will provide closed garbage containers for the disposal of all food-related trash items (e.g., wrappers, cans, bottles, food scraps, etc.). All garbage will be removed daily from the project site. Construction personnel will not feed or otherwise attract wildlife to the project area.*
- *No pets or firearms will be allowed in the project area at any time.*
- *To prevent possible resource damage from hazardous materials such as motor oil or gasoline, construction personnel will not service vehicles or construction equipment outside of designated staging areas.*
- *Any worker who inadvertently injures or kills a special-status species or finds one dead, injured, or entrapped shall immediately report the incident to the resident inspector. The resident inspector shall immediately notify the City, who will provide verbal notification to the*

appropriate regulatory authorities within three working days of the incident. The City will follow up with written notification to regulatory authorities within five working days of the incident.

- *Limit stockpiling and staging activities and vehicle and equipment refueling and maintenance to designated staging areas at all times.*

Mitigation Measure #3:
Before any work occurs, the construction contractor shall install silt fencing, as needed, to protect sensitive wildlife resources from construction-related impacts. Specific areas where silt fencing should be used include the access road where it parallels the northern riparian corridor, and the water tank location. The type of material and its installation are subject to review by the City of Fremont prior to initiating ground disturbing activities. All such fencing shall comply with the following standards:

- *The fencing will be constructed of geotextile fabric with a minimum 3.5-inch overlap between panels. Fabric will be attached to wooden fence posts and installed to a minimum of 6 inches below grade.*
- *All silt fencing will be maintained throughout construction duration.*
- *To prevent accidental trapping or entanglement of any protected species on the property, plastic mono-filament netting such as that used in erosion control matting will not be used for erosion control or other purposes.*

Mitigation Measure #4:
To minimize impacts to nesting birds in the project vicinity, a combination of the following measures shall be implemented, as appropriate, based upon site conditions:

- *A qualified biologist shall be retained to survey the project site and vicinity for nesting birds and verify the presence or absence of nesting birds no more than 14 days prior to commencement of construction activities. Written results of the survey shall be submitted to the City of Fremont prior to initiating ground disturbing activities. Nesting season shall include the months from February to August. All areas within 250 feet of the project area will be surveyed for nesting passerines, and within 500 feet and/or line of sight for nesting raptors;*
- *Prior to construction, appropriately-timed nest deterrence measures may be implemented to preclude nesting of raptors or birds within the project vicinity;*
- *Following implementation of such nesting deterrence procedures, effectiveness of the measures shall be confirmed through a pre-construction survey;*
- *If active nests are observed, buffer zones will be established around trees/shrubs with nests, with a buffer size will be established by the biologist through consultation with City of Fremont and consideration of guidance by the appropriate regulatory agency (e.g., CDFG). Establishment of buffer zones and nest observation will consider and maintain access to the construction site such that construction shutdown is avoided. Buffer zones will be managed to minimize noise and equipment stoppage within the buffer zone until young have fledged or the nest is otherwise abandoned.*

Mitigation Measure #5:
The biological survey also identified areas in the project vicinity containing creeping wildrye and purple needlegrass, two State-listed species-status plant species. To avoid impacts to perennial grasslands on the project site containing these two species, the following mitigation shall be required:

To minimize impacts to perennial grasslands, a combination of the following measures shall be implemented, as appropriate:

- *Prior to construction, perennial grasslands in proximity to the project area shall be delineated and their boundaries marked in the field by a qualified botanist.*
- *In the event that any of these areas cannot be avoided, the impacted areas will be reseeded with either creeping wildrye or purple needlegrass, as appropriate.*

- *Prior to final building permit or certificate of occupancy for the home, whichever occurs first, the landscape plan shall include measures and verification or implementation of any required reseeding.*

Wetlands/Riparian Habitats

A riparian survey conducted by H.T. Harvey & Associates in October 2004 and updated in August 2010 identified several intermittent streams and drainage basins on the property. Only one of these streams, an intermittent creek running along the southeastern edge of the property, was found to contain riparian habitat of high quality. The surveys recommended a 200-foot setback from the centerline of this creek and fencing it off from the rest of the property in order to protect the habitat from human encroachment. The other intermittent streams and basins identified by the surveys were determined to be of lesser quality or devoid of any value as riparian habitat, and the surveys suggested maintaining setbacks ranging from 50-150 feet from each. ESA Biological Resources conducted a peer review of the H.T. Harvey's 2004 and 2010 surveys in September 2010 and concurred with their findings.

The "Riparian Corridors" provision of Measure T [Fremont Municipal Code Section 8-21717(13)] states, "No development shall be located within a riparian corridor…Riparian corridors are the areas within 200 feet from the center of a permanent or intermittent streambed." The project would comply with this provision in that the proposed building envelope would be located some 400-500 feet above the border of the 200-foot setback line of the riparian corridor of the intermittent creek. For this reason, no mitigation for impacts to existing riparian habitats is required.

H.T. Harvey & Associates also conducted a survey of the streams and drainage basins on the property to determine the presence or absence of wetlands in November 2004. The survey found no evidence of wetlands as defined by the U.S. Army Corps of Engineers within any of the stream or drainage basin locations, or anywhere else on the property. No existing trees will be impacted by the project, and the building envelope and driveway will not require the removal of any trees from the property.

V. CULTURAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				X	11, 27, 28
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X	11, 27, 28
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	11, 28
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X	11, 28

Comment: No known significant historical, paleontological or archaeological resource, structure or object has been identified either on the project site or in the general vicinity of the project site. There are no known unique cultural resources on the site, and therefore, no potential for restrictions on the proposed development. However, should any human remains or historical or unique archaeological resources or artifacts be discovered during grading or construction activities, the provisions of CEQA Guidelines, Section 15064.5(e) and (f) for notification and evaluation will be followed by the City and developer to reduce any impacts to a less-than-significant level.

VI. GEOLOGY AND SOILS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		5, C
	ii) Strong seismic ground shaking?		X			5, C
	iii) Seismic-related ground failure, including liquefaction?			X		5, 26, C
	iv) Landslides?		X			5, C
b.	Result in substantial soil erosion or the loss of topsoil?				X	5, C
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X			5, C
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?			X		5, 26, C
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?					N/A

Comment: The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. According to the 2004 California State Geologic and Seismic Hazard Zones map, the project site is located in very close proximity to the Alquist-Priolo Earthquake Fault Trace Zone and in an area susceptible to earthquake-induced landslides. Furthermore, according to a Geotechnical Report prepared by Upp Geotechnology, Inc. in May 2011, due to its proximity to the Hayward Fault the subject property would experience very strong shaking during a major earthquake. The report also found unstable soils near the surface of the proposed building envelope, as well as the potential for differential movement due to the presence of expansive soil on the site. To mitigate for potential impacts on the structural integrity of the project caused by earthquakes and/or unstable soils, the following mitigation shall be required:

Mitigation Measure #6:
The project shall incorporate the geotechnical recommendations contained in the Geotechnical Report prepared by Upp Geotechnology, Inc. dated May 31, 2011, except that, where a certain recommended mitigation measure exceeds the limitations of, or is inconsistent with, the requirements of the Fremont Municipal Code (FMC), particularly relating to Hill Area grading limitations, such mitigation measure will be modified to conform to the FMC and Measure T, based on the recommendations of the Geotechnical Engineer and approval by the City Engineer.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		21, 22, 23

b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X		21, 22, 23

Background: With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It called for the State's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

The BAAQMD adopted greenhouse gas emission thresholds in May 2011. The City of Fremont applies the BAAQMD threshold for operational and area emissions level of 1,100 metric tons as a screening threshold of potentially significant source of emissions.

Comment: One new single-family dwelling is below the screening thresholds as their emission profiles fall well below the 1,100 metric ton threshold. Construction of the project will also be subject to the City's green building requirements which will further reduce potential energy-related greenhouse gas emissions associated with the proposed development. For these reasons, the project will not generate significant amounts of greenhouse gases and no mitigation is necessary.

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	A, H
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	A, H
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	2, 3, A, H
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	18, H
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?					N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?					N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	6, 7

h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X		29

Comment: The proposed project is not located on a site that is included on the California Environmental Protection Agency's Hazardous Waste and Substances Sites List or the Alameda County Water District's list of Leaking Underground Fuel Tank (LUFT) and Spills, Leaks, Investigations, and Cleanup (SLIC) Sites. A Phase I Environmental Assessment (ESA) was conducted by Aqua Science Engineers, Inc. in August 2003 and updated by E_2C, Inc., Structural Engineering & Environmental Consultants in June 2011 to assess the historical use of the property and the potential for the presence of recognized environmental concerns (RECs) on the site. Both the original Phase I ESA and the 2011 update found no RECs on the property requiring mitigation. The Hazardous Materials Division of the Fremont Fire Department has reviewed both documents and concurs with their findings. As such, no further action is required.

The project site is located within the Very High Fire Hazard Severity Zone as defined by City of Fremont Ordinance No. 33-2007; as such, the project is subject to compliance with all applicable provisions of California Government Code Section 51175 regulating new development within the Wildland-Urban Interface Fire Area. The project design includes measures for wildland fire protection consistent with current regulatory standards. Compliance with said regulations will result in exposure to wildland fires posing a less-than-significant impact, and no mitigation is required.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Violate any water quality standards or waste discharge requirements?				X	14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	14, 15, 16, A
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X		8, A
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X	8, 16, A
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		16, A
f.	Otherwise substantially degrade water quality?			X		14, 15 16, A
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	17

h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	6
j.	Inundation by seiche, tsunami, or mudflow?					NA

Comment: The nearest downstream sanitary sewer and storm drain systems are located within the existing cul-de-sac bulb at the terminus of East King Avenue below the project site. The applicant will be required to extend the sewer main to his property line when he constructs the extension East King Avenue to provide street frontage for the lot. Sewer service to the house will be provided via a new lateral running under the driveway up the hillside to the homesite. The applicant will also be required to extend the public storm drain system into the street extension to accept runoff from the new street improvements.

Because the project consists of the development of one new single-family dwelling, it is exempt from the National Pollution Discharge Elimination System (NPDES) Municipal Regional Permit requirements governing stormwater treatment in new developments with numeric sizing requirements for stormwater runoff controls. However, the proposed grading and drainage plan for the project incorporates Best Management Practices (or BMPs) to the maximum extent practicable to direct stormwater runoff to landscaped areas and to slow runoff speeds and distribute runoff volumes down the hillsides by collecting rooftop and driveway runoff in pipes and discharging it onto energy dissipators on either side of the house. Additional energy dissipators will also be provided at various points below the proposed driveway to do the same for runoff from the driveway, and areas where guest parking is provided on the site will be paved with pervious grasscrete. These measures will help prevent erosion and improve water quality of runoff by filtering it through the natural vegetation of the hillsides before it reaches the drainage basins at the low points of the property. Provision of these BMPs will reduce impacts associated with increased runoff and pollutants caused by the project to a less-than-significant level, and no mitigation is needed.

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) Panel Nos. 06001C0434G and 06001C0455G, both effective August 3, 2009. According to these maps, the project site is located within the Unshaded X zone, and is therefore not subject to significant risk of flooding. As such, the project will not expose people or property to significant risk of loss, injury, or death, and no mitigation is needed.

X. LAND USE AND PLANNING - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Physically divide an established community?				X	2, 3, B
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		2, 3, 8, B
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	2, 3, D, E, F, G

Comment: The subject property is designated Hill Face Open Space in the City of Fremont General Plan and zoned as Open Space in the City's zoning ordinance. These land use designations permit up to one (1) single-family dwelling per parcel subject to approval of a conditional use permit by the City's Planning Commission; therefore, the proposed project is consistent with both designations.

The parcel is located within the Hill Area as defined by a 2002 voter-approved initiative known locally as Measure T, an area located along the eastern edge of the City subject to various restrictions governing all new development which were designed to protect the natural environment of the hills and minimize the visibility of new development to the maximum extent practicable. Measure T identifies several criteria as constraints to development on vacant land in the Hill Area, and prohibits new development in locations where such constraints are found to exist. Two of these criteria are terrain having slopes greater than 30%, and locations where access to a proposed development can only be taken across such terrain. While the proposed homesite is on relatively level terrain in the saddle between two hilltops, the proposed driveway will utilize and pave an existing dirt road that crosses a stretch of terrain approximately 900 feet in length having a slope greater than 30%. This access will make use of an existing, unimproved dirt road.

There are a small number of areas having slopes of less than 30% elsewhere on the subject property, but these sites have been determined to be unacceptable tradeoffs in regard to other standards of Measure T by City staff and the City Council during reviews of previous proposals to develop the property. In particular, these locations would either result in new development in plain sight on a hilltop, or within a riparian corridor, two locations that Measure T expressly prohibits in its efforts to protect the natural environment of the hills. Still other developable locations lower down on the site are characterized by unstable slopes and/or soils, or are located directly below an existing Alameda County Water District reservoir and could therefore be subject to inundation in the event of the reservoir's failure during an earthquake or other catastrophic event.

Measure T does allow for development of constrained parcels in instances where constraints are unavoidable, as in this particular case. In such instances, the ordinance limits the size of the dwelling to a maximum of 10,000 square feet. The proposed dwelling measures 9,976 square feet, and as such, complies with the maximum buildable limit for a constrained parcel as prescribed by Measure T. Furthermore, while the proposed homesite would require access across a slope greater than 30%, it is nevertheless the most favorable of all of the developable alternatives when reviewed for compliance with Measure T in that it will be the least visible from the valley floor, it will be the safest for the property's occupants, and it will have the least impact on existing biological resources, including the riparian corridor which traverses the southern length of the property below the site. In addition, the driveway will utilize an existing dirt road that leads up to the homesite, and will therefore not require additional grading of the hillside to provide access to the house.

A riparian survey was conducted for the property by H.T. Harvey & Associates in August 2010 and peer reviewed by ESA Biological Resources in September 2010, both of which concluded that the proposed homesite would not conflict with any applicable habitat conservation plan or local biological resource conservation policies (for further discussion, see Section IV – Biological Resources, above). As such, no mitigation is needed. Although not completely consistent with all applicable directives for hillside development, the proposed project will have a less-than-significant effect in regard to hillside protection as outlined within Measure T.

XI. MINERAL RESOURCES -- Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Result in the loss of availability of a known mineral resource that would be of value to the region or the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Comment: This section is not applicable as there are no known mineral resources of local or regional importance located on the property.

XII. NOISE -- Would the project result in:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X	9
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	A
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	9, A
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		9, A
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?					N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?					N/A

Comment: The proposed project will not generate a significant increase in permanent noise levels in the area which could disturb neighboring properties. The nearest neighboring home is located approximately 1,600 feet (or more than ¼ mile) downhill from the project site, so it is unlikely that everyday noises generated by a single-family residence will reach the neighboring properties. Grading and construction-related activities will generate temporary increases in ambient noise levels which may impact the adjacent properties while the property is being developed. However, such activities will be required to comply with the City's Noise Ordinance which limits construction to certain times of the day to reduce noise to acceptable levels, thereby resulting in no significant impact to the surrounding neighborhood.

XIII. POPULATION AND HOUSING -- Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X		A, B
b.	Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?				X	A, B
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	A, B

Comment: The proposed project is consistent with the residential density prescribed for the property by the City's General Plan and Zoning Ordinance of one (1) dwelling unit per legal parcel. As such, it will not result in unanticipated growth in an area of the City where residential growth has not already been planned for.

As part of the project, the applicant will be required to extend the East King Avenue public right-of-way approximately 300 feet to the northeast which will facilitate the development of the remaining undeveloped open space parcels located east of the project site. However, the current land use restrictions governing development in the Measure T area will remain in place which will continue to limit the development of these remaining parcels to one dwelling unit per parcel in accordance with the policies of the Open Space Element of the General Plan. Therefore, the extension of the public right-of-way will not induce significant population growth on adjacent lands above and beyond what is anticipated in the General Plan and Zoning Ordinance, and no mitigation is required.

XIV. PUBLIC SERVICES

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
	Fire protection?			X		10
	Police protection?			X		10
	Schools?			X		10
	Parks?			X		10, 12
	Other public facilities?			X		10

Comment: On September 3, 1991, the City Council passed resolutions requiring Development Impact Fees for all new development within the City of Fremont. These fees are required of any new project for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain public improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication and Park Facilities Fees, Capital Facilities Fees, and Fire Facility Fees. Similarly, new residential developments are required to pay School District fees to offset any impacts they might have on existing or planned public educational facilities. Payment of the required Development Impact and School District fees by the applicant prior to the issuance of building permits for the proposed single-family dwelling would result in the project having no significant impact on public services, schools, or other public facilities.

XV. RECREATION

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	12, 13

b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X	12, A

Comment: Construction of the proposed single-family dwelling will not result in a significant increase in demand for local and regional park and recreation facilities. Nevertheless, the applicant will be required to pay the required in-lieu park dedication and park facility fees for a new single-family dwelling as described in Section XIV, above, to offset usage of municipal park facilities by the property's residents. The proposal will not require the construction or expansion of new facilities, only the payment of in-lieu park dedication fees.

XVI. TRANSPORTATION/TRAFFIC - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X	1, 7
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X	7
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?					N/A
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	7, A
e.	Result in inadequate emergency access?				X	7, A
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?					N/A

Comment: Based on the ITE Trip Generation handbook, 7th edition, the proposed project is expected to generate three (3) new PM peak hour trips. Because this number is well below the standard threshold of 100 new peak PM peak hour trips used by the City as an indicator of potentially significant traffic impacts, it is considered a less-than-significant impact that would not affect the capacity ratio of regional or local streets. Implementation of the project would not result in any hazards or barriers for pedestrians or bicyclists; as such no mitigation measures are required.

As part of the project the applicant will be required to extend the East King Avenue public right-of-way approximately 300 feet to the northeast in order to connect his property to a public street. This extension will have a new cul-de-sac bulb at its terminus for emergency and garbage/recycling collection vehicle turnaround. The applicant's driveway will connect to this cul-de-sac bulb and meander up the hillside to the homesite. The driveway has been designed to accommodate a fire engine in the event of an emergency, and its design has been reviewed and approved by the City's Fire Department. As such, construction of the project will not pose a safety hazard for vehicular traffic or result in insufficient emergency vehicle access, and no mitigation is needed.

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	14, 15
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		25
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	25
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		25
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	25
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	24

Comment: The applicant is proposing to connect the proposed project to the existing public water and sewer systems located in East King Avenue via service lines located within the proposed driveway. The property is currently located outside of the local water and sewer districts' service boundaries (Alameda County Water District, or ACWD, and Union Sanitary District, or USD). As such, the applicant will be required to annex to both districts in order to receive service for the project. In the case of water service, ACWD has indicated that there currently is insufficient pressure in the existing distribution system in East King Avenue to serve the project. Therefore, to augment pressure, the applicant will be required to install booster pumps on the private side of the water meter in accordance with ACWD specifications. The existing public storm drain line in East King Avenue will be extended a short distance into the street extension needed to provide frontage for the property, but no upsizing of stormwater facilities is needed to accommodate the project. Extension of these public utilities will facilitate future development of other legal, undeveloped parcels that take access from East King Avenue, but the extensions will not be upsized or designed to accommodate development at intensities higher than those prescribed by the General Plan. Therefore, cumulative impacts from facilitated development opportunities as a result of the provision of these utility extensions will have a less-than-significant impact on the area, and no mitigation is needed.

Seven (7) 5,000 gallon water tanks are proposed at the ±400-foot elevation to supplement the water pressure for the house and its automatic fire extinguishing (sprinkler) system. The Fire Department has reviewed this proposal and found it to be sufficient to provide the flows and capacity needed to meet typical domestic needs and fire protection for the residence as a supplement to the standard pressurized domestic water service from the existing main in East King Avenue.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of CA history or prehistory?		X			
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

Comment: The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project will not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, will reduce all impacts the project may have to a less-than-significant level.

XIX. Summary of Proposed Mitigation Measures

Mitigation Measure #1:
Prior to the issuance of a permit, the following best management practices shall be included in a dust control plan and noted on construction plans with a designated contact person for on-site implementation of the dust control plan.

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
3. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
7. *Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours.*

Mitigation Measure #2:
To avoid accidental takes during construction of California red-legged frogs, California tiger salamanders, and Alameda whipsnakes, the applicant shall implement the following measure:

a) *Prior to the start of all construction activities, a worker education program shall be presented at the project site by a biologist familiar with California red-legged frogs, California tiger salamanders, and Alameda whipsnakes. The program will cover special status species that could potentially occur on the site. The environmental education program will include a description, representative photographs, and legal status of each federally-listed species with the potential to occur within the project area and the penalties for not complying with biological mitigation requirements. The program will cover the restrictions and guidelines that must be followed by all construction personnel to avoid or reduce effects on special status species during project construction. If new construction personnel are added to the project, the crew foreman will ensure that the personnel receive the mandatory training before starting work and keep records on the job site of when training occured. This may take the form of written instruction covering the same material presented in the initial education program. The instructing biologist shall certify to the City the training has been complete prior to initiating grounding disturbing activities. Restrictions and guidelines for construction include the following measures:*

   - *Construction personnel will adhere to designated work zones and will not go outside these boundaries.*
   - *Project-related vehicles will observe a 15-mile-per-hour speed limit on roads in the project area. Off-road vehicle traffic outside of designated construction areas will be prohibited.*
   - *The contractor will provide closed garbage containers for the disposal of all food-related trash items (e.g., wrappers, cans, bottles, food scraps, etc.). All garbage will be removed daily from the project site. Construction personnel will not feed or otherwise attract wildlife to the project area.*
   - *No pets or firearms will be allowed in the project area at any time.*
   - *To prevent possible resource damage from hazardous materials such as motor oil or gasoline, construction personnel will not service vehicles or construction equipment outside of designated staging areas.*

- *Any worker who inadvertently injures or kills a special-status species or finds one dead, injured, or entrapped shall immediately report the incident to the resident inspector. The resident inspector shall immediately notify the City, who will provide verbal notification to the appropriate regulatory authorities within three working days of the incident. The City will follow up with written notification to regulatory authorities within five working days of the incident.*

- *Limit stockpiling and staging activities and vehicle and equipment refueling and maintenance to designated staging areas at all times.*

Mitigation Measure #3:
Before any work occurs, the construction contractor shall install silt fencing, as needed, to protect sensitive wildlife resources from construction-related impacts. Specific areas where silt fencing should be used include the access road where it parallels the northern riparian corridor, and the water tank location. The type of material and its installation are subject to review by the City of Fremont prior to initiating ground disturbing activities. All such fencing shall comply with the following standards:

- *The fencing will be constructed of geotextile fabric with a minimum 3.5-inch overlap between panels. Fabric will be attached to wooden fence posts and installed to a minimum of 6 inches below grade.*
- *All silt fencing will be maintained throughout construction duration.*
- *To prevent accidental trapping or entanglement of any protected species on the property, plastic mono-filament netting such as that used in erosion control matting will not be used for erosion control or other purposes.*

Mitigation Measure #4:
To minimize impacts to nesting birds in the project vicinity, a combination of the following measures shall be implemented, as appropriate, based upon site conditions:

- *A qualified biologist shall be retained to survey the project site and vicinity for nesting birds and verify the presence or absence of nesting birds no more than 14 days prior to commencement of construction activities. Written results of the survey shall be submitted to the City of Fremont prior to initiating ground disturbing activities. Nesting season shall include the months from February to August. All areas within 250 feet of the project area will be surveyed for nesting passerines, and within 500 feet and/or line of sight for nesting raptors;*
- *Prior to construction, appropriately-timed nest deterrence measures may be implemented to preclude nesting of raptors or birds within the project vicinity;*
- *Following implementation of such nesting deterrence procedures, effectiveness of the measures shall be confirmed through a pre-construction survey;*
- *If active nests are observed, buffer zones will be established around trees/shrubs with nests, with a buffer size will be established by the biologist through consultation with City of Fremont and consideration of guidance by the appropriate regulatory agency (e.g., CDFG). Establishment of buffer zones and nest observation will consider and maintain access to the construction site such that construction shutdown is avoided. Buffer zones will be managed to minimize noise and equipment stoppage within the buffer zone until young have fledged or the nest is otherwise abandoned.*

Mitigation Measure #5:
The biological survey also identified areas in the project vicinity containing creeping wildrye and purple needlegrass, two State-listed species-status plant species. To avoid impacts to perennial grasslands on the project site containing these two species, the following mitigation shall be required:

To minimize impacts to perennial grasslands, a combination of the following measures shall be implemented, as appropriate:

- *Prior to construction, perennial grasslands in proximity to the project area shall be delineated and their boundaries marked in the field by a qualified botanist.*

- *In the event that any of these areas cannot be avoided, the impacted areas will be reseeded with either creeping wildrye or purple needlegrass, as appropriate.*
- *Prior to final building permit or certificate of occupancy for the home, whichever occurs first, the landscape plan shall include measures and verification or implementation of any required reseeding.*

Mitigation Measure #6:
The project shall incorporate the geotechnical recommendations contained in the Geotechnical Report prepared by Upp Geotechnology, Inc. dated May 31, 2011, except that, where a certain recommended mitigation measure exceeds the limitations of, or is inconsistent with, the requirements of the Fremont Municipal Code (FMC), particularly relating to Hill Area grading limitations, such mitigation measure will be modified to conform to the FMC and Measure T, based on the recommendations of the Geotechnical Engineer and approval by the City Engineer.

GENERAL SOURCE REFERENCES:

1. Existing land use
2. City of Fremont General Plan (Land Use Chapter Text and Maps)
3. City of Fremont Municipal Code Title VIII (e.g. Planning and Zoning, Subdivision, Grading and Maps)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Health and Safety Chapter)
6. City of Fremont General Plan (Health and Safety Chapter)
7. City of Fremont General Plan (Transportation Chapter)
8. City of Fremont General Plan (Natural Resources Chapter, e.g. including Biological resources, including Physical Zones, habitat zones (i.e., Tidal mudflat, wetland, low land, hill, grass land, etc), Unique Natural Areas (i.e., quarries, percolation ponds, etc.), mineral resources, Scenic and Visual)
9. City of Fremont General Plan (Health and Safety Chapter, Noise subsection).
10. City of Fremont General Plan (Public Facilities Chapter).
11. City of Fremont General Plan (Cultural Resources Chapter).
12. City of Fremont General Plan (Park and Recreation Chapter).
13. City of Fremont General Plan (Open Space Chapter).
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Storm Water General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Health and Safety Chapter)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Cal EPA, pursuant to Government Code § 65962.5
19. Department of Conservation Important Farmland Map 2009
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List).
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010), CEQA Guidelines 2010
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title IV Sanitation and Health (e.g. solid waste, tree protection)
25. City of Fremont Municipal Code Title VI Public Works and Public Utilities (e.g. streets and sidewalks)
26. City of Fremont Municipal Code Title VII Building Regulations
27. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
28. Local Cultural Resource Maps (CHRIS)
29. Fremont High Fire Severity Zone Map

PROJECT-RELATED REFERENCES:

A. Project Plans prepared by Archevon, Mason-Sulic Civil & Design Consultants, Inc., and James Swanson, Landscape Architect

B. Site reconnaissance visit by City staff, June 29, 2011

C. Geotechnical Report, UPP Geotechnology, Inc., May 31, 2011

D. Riparian Corridor Assessment, H.T. Harvey & Associates, October 14, 2004, updated August 16, 2010

E. Stream and Wetland Assessment, H.T. Harvey & Associates, November 24, 2004, updated August 16, 2010

F. Peer Review of Riparian Corridor Assessment and Stream and Wetland Assessment conducted by H.T. Harvey & Associates in October and November 2004, ESA Biological Resources, September 15, 2010

G. Biological Survey, ESA Biological Resources, July 12, 2011

H. Phase I Environmental Site Assessment, Aqua Science Engineering, Inc., August 7, 2003, updated June 16, 2011 by E_2C, Inc., Structural Engineering & Environmental Consultants

I. Not used

J. Story Pole Vantage Point Locator exhibit